

Mason County

Development Code - TITLE 15 MCC

Table of Contents:

CHAPTER 15.01: INTRODUCTION	2
15.01.010 INTENT	2
15.01.020 DEFINITIONS.....	3
CHAPTER 15.03: ADMINISTRATION.....	4
15.03.005 PURPOSE AND APPLICABILITY	4
15.03.010 ROLES AND RESPONSIBILITIES	4
15.03.015 APPLICATION TYPES AND CLASSIFICATION	4
15.03.020 ADMINISTRATIVE DIRECTION	5
15.03.030 BOARD OF COUNTY COMMISSIONERS	5
15.03.040 PLANNING ADVISORY COMMISSION	5
15.03.050 HEARING EXAMINER.....	6
15.03.060 PROCESS TO REMOVE UTILITY AND DRAINAGE EASEMENTS	6
CHAPTER 15.05 CONSOLIDATED APPLICATION PROCESS.....	6
15.05.010 APPLICATION	7
15.05.020 PRE-APPLICATION ACTIVITIES	7
15.05.030 CONTENT OF APPLICATIONS.....	7
15.05.040 LETTER OF COMPLETENESS OF APPLICATION.....	7
15.05.050 VESTING OF APPLICATIONS	8
CHAPTER 15.07 PUBLIC NOTICE REQUIREMENTS.....	8
15.07.010 NOTICE OF DEVELOPMENT APPLICATION	8
15.07.020 NOTICE OF ADMINISTRATIVE DECISIONS	9
15.07.030 NOTICE OF PUBLIC MEETINGS AND PUBLIC HEARINGS.....	9
15.07.040 NOTICE OF FINAL DECISION.....	10
CHAPTER 15.09 REVIEW AND APPROVAL PROCESS.....	10
15.09.010 CONSOLIDATED PERMIT REVIEW	10
15.09.020 ENVIRONMENTAL REVIEW.....	10
15.09.030 TYPE I AND TYPE II REVIEW - WITHOUT NOTICE	11
15.09.040 TYPE II REVIEW - WITH NOTICE	11
15.09.050 TYPE III REVIEW	11
15.09.055 TYPE III REVIEW – SHORELINE MASTER PROGRAM	12
15.09.057 VARIANCE CRITERIA	12
15.09.060 TYPE IV DECISION REVIEW	13

15.09.070	HEARING EXAMINER DECISIONS	14
15.09.080	PROCEDURES FOR OPEN RECORD PUBLIC HEARINGS BEFORE THE HEARING EXAMINER 14	
15.09.090	REMAND	15
15.09.100	FINAL DECISION	15
CHAPTER 15.11	APPEALS	16
15.11.010	APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS	16
15.11.020	APPEAL TO THE HEARING EXAMINER.....	16
15.11.030	APPEAL TO STATE REVIEW BOARDS	17
15.11.040	JUDICIAL APPEAL.....	17
CHAPTER 15.13	ENFORCEMENT	17
15.13.005	SEVERABILITY	17
15.13.010	ENFORCING OFFICIAL; AUTHORITY.....	17
15.13.020	PENALTY	18
15.13.030	APPLICATION.....	18
15.13.035	WARNING NOTICE	19
15.13.040	NOTICE OF CIVIL VIOLATION	19
15.13.050	CIVIL FINES	20
15.13.055	COST RECOVERY	21
15.13.060	ABATEMENT	21
15.13.070	REVIEW OF APPROVED PERMITS	21
15.13.075	REVOCATION OR MODIFICATION OF PERMITS AND APPROVALS	22
CONSOLIDATED APPLICATION REVIEW CHART		22

CHAPTER 15.01: INTRODUCTION

15.01.010 INTENT

The purpose of this Title is to combine and consolidate the application, review, enforcement, and approval processes for land development in Mason County in a manner that is clear, concise, and understandable. It is further intended to comply with RCW 36.70B, which provides the guidelines for integrating development review and environmental review of proposed development, in coordination with approved land use plans.

Established in this Title is the standard use of the Letter of Completeness, Notice of Application, and Notice of Decision. Final decision on development proposals shall be made within one hundred twenty (120) days of the date of the Letter of Completeness, except as provided in Section 15.09.100.

15.01.020 DEFINITIONS

The following definitions shall apply to this Title:

Accessory Structure: As defined in the relevant code or ordinance.

Adjacent Property Owners: The persons who are owners of lots, as shown on the County Assessor records, within 300 feet, not including street rights-of-way, of the boundaries of the property which is the subject of the meeting or pending action.

Closed Record Public Meeting: A public meeting where the hearing body receives the record of past public hearings on the matter and evaluates the proposal based upon that established record of standards and issues brought up previously. Testimony is taken but the issues are limited to the topics of past public hearing review.

Code: The Mason County Code or portion of that code.

Completed Application: See RCW 36.70B.070. **Comprehensive Plan:** The Mason County Comprehensive Plan, as amended.

Comprehensive Plan Amendment: An amendment or change to the text or maps of the Comprehensive Plan.

Date of Decision: The date on which final action occurs and from which the appeal period is calculated.

Density: As defined in the relevant code or ordinance.

Development: Any land use permit or action regulated by Titles 6, 7, 8, 14, 16, and 17 MCC, including but not limited to construction permits, conditional use permits, variances, or subdivisions.

Development Code: The Mason County Development Code. Title 15 of the Mason County Code.

Effective Date: The date a final decision becomes effective.

Final Decision: The final action by the Review Authority, Hearing Examiner, or Board of County Commissioners.

Lot: As defined in the relevant code or ordinance.

MCC: Means the Mason County Code. **Open Record Public Hearing:** An open record hearing held by an authorized hearing body, at which evidence is presented, testimony is recorded, and decision is made, to form the local government record on the review and decision-making of the planned action.

Ordinance: Any or all of the adopted Mason County ordinances or resolutions.

Party of Record: Any person who has testified at a public hearing or has submitted a written statement related to a development action and who provides the County with a complete address.

Person: Any person, firm, business, corporation, partnership of other associations or organization, marital community, municipal corporation, or governmental agency.

Project: A proposal for development.

Project Permit: Per RCW 36.70B.020 (4)

Review Authority: The Director of Community Services, or his or her designees, which depend on the responsibility as determined by the respective codes, ordinances, and regulations. Responsibilities of the Review Authority may be delegated when not contrary to law or ordinance.

Setback: As defined in the relevant code or ordinance.

Variance: As defined or used in the relevant code or ordinance.

Yard: As defined in the relevant code or ordinance.

CHAPTER 15.03: ADMINISTRATION

15.03.005 PURPOSE AND APPLICABILITY

This Title describes enforcement actions and how the County will process applications for development subject to review under the following Titles of the Mason County Code and other ordinances and regulations of the County as listed below:

Title 6 (Sanitary Code, enforcement only), including the following Mason County Board of Health regulations, which may not be codified in Title 6: On-Site Sewage Regulation, Group B Water System Regulation, Solid Waste Regulation, and Water Adequacy Regulation.

Title 8 (Environmental Policy and Resource Ordinance)

Title 11 (Forest Practices)

Title 12 (Bridges and Roads)

Title 13 (Utilities)

Title 14 (Buildings and Construction, Grading, Stormwater, Flood Prevention)

Title 16 (Subdivisions)

Title 17 (Zoning/Development Regulations, Shoreline Master Program, Historic Preservation, Airport Overlay)

15.03.010 ROLES AND RESPONSIBILITIES

- A. The regulation of land development is a cooperative activity including many different elected and appointed boards and County staff. The specific responsibilities of these bodies is set forth below.
- B. A developer is expected to read and understand the County Development Code and be prepared to fulfill the obligations placed on the developer by the Mason County Code and other ordinances and regulations of the county.

15.03.015 APPLICATION TYPES AND CLASSIFICATION

- A. Applications for review pursuant to Title 15 shall be subject to a Type I, Type II, Type III, or Type IV process.
- B. Unless otherwise required, where the County must approve more than one application for a given development, all applications required for the development may be submitted for review at one time. Where more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are subject to the highest-number procedure that applies to any of the applications.
- C. The Review Authority for the application in question shall classify the application as one of the four types of procedures.
 - 1. The act of classifying an application shall be an administrative interpretation, if written and transmitted to the applicant.
 - 2. Questions about what procedure is appropriate shall be resolved in favor of the type providing greatest notice and opportunity to participate.

3. The Review Authority shall consider the following guidelines when classifying the procedure type for an application:
 - a. A Type I (ministerial) process involves an application that is subject to clear, objective and nondiscretionary standards or standards that require an exercise of professional judgment about technical issues.
 - b. A Type II (administrative) process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be a limited public interest.
 - c. A Type III (quasi-judicial) process involves an application for relatively few parcels and ownerships. It is subject to standards that require the exercise of substantial discretion and about which there may be a broad public interest.
 - d. A Type IV (legislative) process involves the creation, implementation, or amendment of policy or law by ordinance. The subject of a Type IV process involves a relatively large geographic area containing many property owners, and a Type IV application should follow the format detailed in Chap. 15.09.060.
- D. Type I and Type II review – without notice – letter of completeness. Type I and Type II permit reviews, which are categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other permits, shall be excluded from the notice of application and notice of decision provisions in this Title, except when specifically required for a particular category of project. Also a letter of completeness shall be at the option of the Review Authority, provided that, if no letter of completeness is prepared, the application is considered complete after 28 days from receiving a date stamped application and within the meaning of chapter 36.70B RCW.

15.03.020 ADMINISTRATIVE DIRECTION

Each Director or authorized official shall review and act on the following:

- A. Review Authority: The Director of Community Services, is responsible for the administration of the respective titles of the Mason County Code and ordinances. The responsibilities of the Review Authority may be delegated when not contrary to law or ordinance.
- B. Administrative Interpretation: Upon request or as determined necessary, the Review Authority shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty (30) days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.
- C. Administrative Decisions: Administrative approval, approval with conditions, or denial of permit applications as set forth in Sections 15.09.020, 15.09.030, and 15.09.040.

15.03.030 BOARD OF COUNTY COMMISSIONERS

- A. Type IV applications including changes to the Mason County Comprehensive Plan and land use regulations;
- B. Applications for removal of utility and drainage easements for which the County has interest is set forth in Section 15.03.060.

15.03.040 PLANNING ADVISORY COMMISSION

The Planning Advisory Commission shall review and make recommendations on the following applications

and subjects:

- A. Amendments to the Comprehensive Plan and Development Regulations per RCW 36.70A.030.
- B. Subjects referred by ordinance.

15.03.050 HEARING EXAMINER

The Hearing Examiner shall review and act on the following subjects:

- A. Appeals of decisions of the Building Official on the interpretation or application of the Building Code.
- B. Revoking or modifying a permit or approval per Section 15.13.070.
- C. Appeals of enforcement actions under the codes, ordinances and regulations listed under 15.03.005. Enforcement actions include interpretations and decisions made as part of the enforcement actions under the authority of provisions in Section 15.03.005.
- D. Appeals of decisions of the Fire Marshal on interpretation or application of the Fire Code.
- E. Enforcement actions as provided in Chapter 15.13.
- F. Applications for Preliminary and Final Plats.
- G. Appeal of administrative decisions made by the Community Services Department as set forth in Sections 15.09.020, 15.09.030, and 15.09.040.
- H. Appeal of threshold determination under Title 8 (Environmental Policy).
- I. Granting of variances, except for administrative variances.
- J. Other Type III permit reviews, including: Large Lot subdivisions involving a public hearing, Mason Conditional Environmental Permits, Mobile Home and Recreational Park permits, Special Use Permits, Reasonable Use Exceptions, and Shoreline Substantial Development Permits and Conditional Use Permits.
- K. Plat vacation or amendments, pursuant to Chapter 58.17 RCW, and for the purpose of removing utility and drainage easements set forth in Section 15.03.060.

15.03.060 PROCESS TO REMOVE UTILITY AND DRAINAGE EASEMENTS

- A. County has no interest in any utility and drainage easement: The Hearing Examiner may review and act on applications and plat alterations for removal of utility and drainage easements. The Hearing Examiner may act on the removal of the easements without a public hearing, provided that all parties entitled to notice under RCW 58.17.080 and 58.17.090 shall be given notice, which provides an opportunity for a hearing, upon request, within 14 days of the receipt of the notice.
- B. County has interest in any utility and drainage easement: The County Commissioners may dispose of any County property interest in the utility and drainage easements when the County Commissioners are in possession of a statement from the Public Works Engineer and the Utilities Director, or the County Administrator in their absence, that, in their opinion: the County has no interest in the easements, the easements are not needed, are not likely to be needed, and the easements have no known present or future value to the County. The disposal shall take place as set forth in Chapter 3.40 MCC and any applicable laws and regulations. After a public hearing, the Hearing Examiner may review and act on the application for the removal of a drainage and utility easements.

CHAPTER 15.05 CONSOLIDATED APPLICATION PROCESS

15.05.010 APPLICATION

- A. The County shall consolidate development applications consistent with RCW 36.70B and review in order to integrate the development permit and environmental review process, while avoiding duplication of the review processes.
- B. All applications for development permits, conditional uses, variances, and other County approvals under the Development Code shall be submitted on forms provided by the Review Authority. All applications shall be acknowledged by the property owner or their agent.

15.05.020 PRE-APPLICATION ACTIVITIES

- A. Informal. Applicants for development are encouraged to participate in an informal discussion prior to the formal pre-application meeting. The purpose of the meeting is to discuss, in general terms, the proposed development, County development standards, and required permits and approval process.
- B. Formal. Every person proposing a development in the County, with exception of Type I permits and decisions and some Type II permits and decisions, shall attend a pre-application meeting. The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the County shall invite all affected departments, agencies and/or special districts to the pre-application meeting, at the discretion of the Review Authority.

15.05.030 CONTENT OF APPLICATIONS

All applications for approval under Titles 6, 8, 11, 12, 13, 14, 16, 17, and other applicable ordinances shall include the information specified therein. The Review Authority may require such additional information as reasonably necessary to fully evaluate the proposal.

15.05.040 LETTER OF COMPLETENESS OF APPLICATION

- A. Within twenty-eight (28) days of receiving a date stamped application, the County shall review the application and as set forth below, provide applicants with a written determination that the application is complete or incomplete. An application shall be deemed complete if the County does not provide a written determination to the applicant that the application is incomplete within twenty-eight (28) days.
- B. A project application shall be declared complete only when it contains all of the following materials:
 - 1. Fully completed, signed, and acknowledged development applications and all applicable review fees.
 - 2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act (Title 8).
 - 3. The information specified for the desired project in the appropriate chapters of the Mason County Code and as identified in Section 15.05.030.
 - 4. Any supplemental information or special studies identified by the Review Authority upon application. However, for vesting purposes, if a Determination of Completeness has not already been made, it will be assumed upon a SEPA threshold determination.
- C. For applications determined to be incomplete, the County shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the County shall, within fourteen (14) days, issue a letter of completeness or

identify what additional information is required. If additional information is requested that is necessary to process a permit request and such information is not provided to the County within one hundred eighty (180) days of the request, the application shall expire and no further action on the proposed development shall take place.

- D. A project permit application is complete for purposes of this section when it meets the procedural submission requirements in (B) above and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness does not preclude the County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- E. The County may require any preliminary permits, including but not limited to, special use permits, shoreline substantial development permits, variances, and reasonable use exceptions, prior to the submission of an application for a building permit.

15.05.050 VESTING OF APPLICATIONS

An application shall become vested to the current applicable land use regulation (e.g. Development Regulations, Resource Ordinance, Shoreline Master Program, etc.) on the date a 'determination of completeness' is made. Thereafter, the application shall be reviewed under the regulation in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the , the application shall not be considered vested to the regulation until a new determination of completeness on the changes is made.

CHAPTER 15.07 PUBLIC NOTICE REQUIREMENTS

15.07.010 NOTICE OF DEVELOPMENT APPLICATION

- A. Within fourteen (14) days of issuing a letter of completeness under Chapter 15.05, the County shall issue a Notice of Development Application for Type III permits and Type II permits, which are not excluded as provided in section 15.03.015 of this Title. The notice shall include, but not be limited to, the following:
 - 1. The date of application, the date of the notice of completion, and the date of the notice of application;
 - 2. A description of the proposed project action and a list of the project permits included in the application and a list of any required studies;
 - 3. The identification of other permits not included in the application that the proposed project may require, to the extent known;
 - 4. The identification of existing environmental documents that evaluate the proposed project;
 - 5. The location where the application and any studies can be reviewed;
 - 6. A preliminary determination, if one has been made at the time of notice, of which development regulations will be used for project mitigation and of project consistency as provided in RCW [36.70B.040](#) and chapter [365-197](#) WAC;
 - 7. Any other information determined appropriate by the local government;
 - 8. A statement of the public comment period. statement must explain the following:

- a. How to comment on the application;
 - b. How to receive notice of and participate in any hearings on the application;
 - c. How to obtain a copy of the decision once made; and
 - d. Any rights to appeal the decision.
- 9. If the project requires a hearing or hearings, and they have been scheduled by the date of notice of application, the notice must specify the date, time, place, and type of any hearings required for the project.
 - 10. A statement that the decision on the application will be made within one hundred twenty (120) days of the date of the letter of completeness.
- B. The Notice of Development Application may be combined with any required notice of a public meeting or open record public hearing.
 - C. The Notice of Development Application may be combined with the threshold determination and scoping notice for a determination of significance.

15.07.020 NOTICE OF ADMINISTRATIVE DECISIONS

When notice of administrative approvals or denials is required, such notice shall be made as provided in Section 15.07.040.

15.07.030 NOTICE OF PUBLIC MEETINGS AND PUBLIC HEARINGS

All notices for public meetings and hearings for amendments to Comprehensive Plan and Development Regulations policies and regulations shall follow the provisions of RCW 36.70A.035 Public Participation – notice provisions.

Notice of a public meeting or public hearing for all development applications and appeals shall be given as follows:

- A. **Time of Notices.** Except as otherwise required, public notification of meetings, and hearings, and on pending actions shall be made by:
 - 1. Publication at least ten (10) days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the County; and
 - 2. Mailing at least ten (10) days before the date of a public meeting, or public hearing to the applicant and all adjacent property owners of the boundaries of the property that is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and
 - 3. Posting at least ten (10) days before the meeting, hearing, or pending action in one public place (for example, a post office) and at least two notices on the subject property.
 - 4. Provided that, if the notice is for the purpose of an open record pre-decision hearing, the notice of application shall be provided at least fifteen (15) days prior to the open record hearing.
 - 5. Provided that, if a SEPA threshold determination has been made, that determination shall be issued at least fifteen (15) days prior to the hearing date.
 - 6. Written notice of application shall also be provided to any organization or individual who has requested, in writing, to receive notice of all land use applications encompassed by this Chapter. Provided that, the County may charge a reasonable fee for such notice, as approved by resolution

of the Board.

B. Content of Notice.

1. **Pre-Decision Hearings:** The public notice for pre-decision hearings shall include the items required for a Notice of Development Application in Section 15.07.010(A) of this Title and include the date, time, place, and type of the public hearing.
2. **Appeal Hearings:** For the notice of appeals of administrative decisions (Sec. 15.11.010) and appeals to the Hearing Examiner (Sec. 15.11.020), notice shall be mailed to the parties of record from the permit review and to all parties who requested to be notified of the decision.

C. Continuations. If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

15.07.040 NOTICE OF FINAL DECISION

- A. When a notice is required for a final decision, such notice shall be sent to the applicant, all parties of record, all parties who requested to be notified, and the County Assessor's Office.
- B. This notice shall include the statement of threshold determination (RCW 43.21C), information on requesting assessed valuation changes by affected property owners, and the procedures of administrative appeal, if any.
- C. This notice may be combined with the transmittal requirements of other codes, state statutes, or ordinances, as appropriate.
- D. Notice of administrative decisions shall be the responsibility of the issuing county department or division.

CHAPTER 15.09 REVIEW AND APPROVAL PROCESS

15.09.010 CONSOLIDATED PERMIT REVIEW

When a proposed action involves two or more project permits (for example, a Shoreline Conditional Use Permit, Mason Environmental Permit, and commercial project review), the applicant may choose to have all or a portion of the proposal reviewed under the consolidated permit review process. When the consolidated permit review is selected, county staff shall include all project permits under review when issuing the determination of application completeness, notice of application, notice of one open record public hearing (when needed), and notice of final decision. Classification of such review is as provided in 15.03.015.B, MCC.

15.09.020 ENVIRONMENTAL REVIEW

- A. Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 8, MCC.
- B. SEPA review shall be conducted concurrently with development project review. The following are

exempt from concurrent review:

1. Projects categorically exempt from SEPA or for which SEPA has already been completed.
2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

15.09.030 TYPE I AND TYPE II REVIEW - WITHOUT NOTICE

- A. After the determination of a complete application, the Review Authority may approve, approve with conditions, or deny the following without notice, unless notice is otherwise required (for example, short subdivision applications):
 1. Type I decisions.
 2. Extension of time for approval.
 3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: (i) overall project character, (ii) increase the number of lots, dwelling units, or density or (iii) decrease the quality or amount of open space.
 4. Adjustment to yard setbacks.
 5. Type II decisions, which are excluded as provided in section 15.03.015 of this title.
 6. Accessory Dwelling Units.
- B. The Review Authority's decisions under this section shall be final on the date issued.

15.09.040 TYPE II REVIEW - WITH NOTICE

- A. After a determination of completeness for an application, after providing a notice of application, and after the end of the specified comment period, the Review Authority may grant approval or approval with conditions, or may deny Type II decisions (such as Short Subdivisions), subject to the notice of decision and appeal requirements of this title.
- B. Final Administrative Approvals. Approvals under this section shall become effective subject to the following:
 1. If no appeal is submitted, the approval becomes effective at the expiration of the fourteen-(14) day appeal period.
 2. If a written notice of appeal is received within the specified time, the matter will be referred to the Hearing Examiner as an appeal for an open record public hearing, and shall not become effective until approved on appeal or until the appeal contesting an approval is dismissed.
- C. Administrative Denials. Denials under this section shall become effective immediately.
- D. Notice of the administrative final decision shall be provided in accordance with this title, section 15.07.040.

15.09.050 TYPE III REVIEW

- A. **Staff Report.** The Review Authority shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of County departments, affected agencies and special districts, and evaluating the development's consistency with the County's Development Code, adopted plans and regulations. The staff report shall include findings and conclusions for disposition of

the development application.

- B. **Public Meeting.** The Hearing Examiner shall conduct a public meeting on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the County's Development Code, adopted plans and regulations. Notice of the Hearing Examiner meeting shall be in accordance with Section 15.07.030.
- C. **Required Review.** The Hearing Examiner shall review a proposed development according to the following criteria:
 - 1. The development does not conflict with the Comprehensive Plan and meets the requirements and intent of the Mason County Code, especially Titles 6, 8, and 16.
 - 2. The development does not impact the public health, safety and welfare and is in the public interest.
 - 3. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan. If the development results in a level of service lower than those set forth in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six (6) years of approval of the development.
- D. Notice of final decision shall be provided in accordance with section 15.07.040.

15.09.055 TYPE III REVIEW – SHORELINE MASTER PROGRAM

See the Shoreline Master Program MCC 17.50.400 for the following:

General Requirements for All Shoreline Uses and Development;
Developments Exempt from the Substantial Development Requirement;
Application Requirements, Permit Process, and Review Criteria for Substantial Development, Conditional Use, and Variance Permits; and
Appeals to the Shoreline Hearings Board.

15.09.057 VARIANCE CRITERIA.

Variances from the bulk and dimension requirements of the Resource Ordinance or the Development Regulations (zoning regulations) may be allowed as follows. The County must document with written findings compliance or noncompliance with the variance criteria. The burden is on the applicant to prove that each of the following criteria are met:

- A. That the strict application of the bulk, dimensional or performance standards precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by County regulations;

- B. That the hardship which serves as a basis for the granting of the variance is specifically related to the property of the applicant, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the County regulations, and not, for example from deed restrictions or the applicant's own actions;
- C. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the environment;
- D. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;
- E. That the public interest will suffer no substantial detrimental effect;
- F. No variance shall be granted unless the owner otherwise lacks a reasonable use of the land. Such variance shall be consistent with the Mason County Comprehensive Plan, Development Regulations, Resource Ordinance and other county ordinances, and with the Growth Management Act. Mere loss in value only shall not justify a variance.

15.09.060 TYPE IV DECISION REVIEW

- A. The process for amending the Mason County Comprehensive Plan and implementing development regulations (hereinafter annual amendment process) shall follow the steps below. Generally, the county will consider both the plan and regulation amendments together, and it will consider them only one time each year.
 - 1. Publish notice of the deadline for proposed plan or development regulation amendment which will be placed on the docket for consideration. Amendments must be considered at least annually. Comprehensive plan amendments cannot be adopted more than once a year.
 - a. Requests for rezone will be accepted on proper forms and include fees; such requests will be listed on a docket for further processing of the requests.
 - b. Requested changes to the Comprehensive Plan or development regulations will be accepted in written form by Community Services Department (CSD). The request will be evaluated for merit by CSD staff and the Board of County Commissioners. Those requests found of merit will be included in the docket of Comprehensive Plan or development regulations changes.
 - 2. The CSD prepares a Comprehensive Plan Amendment Report for presentation to the Planning Advisory Commission. The report will include all proposals received, the initial analysis and cumulative impact review, and the initial SEPA determination.
 - 3. The County transmits the proposals to the State Department of Commerce and other state agencies.
 - 4. After presentation of the report to the Planning Advisory Commission, the Commission schedules a public hearing and may schedule workshops. (In the case of amendments of special interest to one part of the county, a workshop or hearing should be scheduled in that area.) The public hearing should be not less than sixty (60) days after the official transmittal is provided to the state.
 - 5. The CSD, acting for the Commission, releases public notice of workshops and hearings.
 - 6. Planning Advisory Commission holds public hearing and optional workshops, and formulate and transmit its findings and recommendations to the Board of Commissioners.
 - 7. The Board schedules and releases notice of public hearings and workshops as desired.
 - 8. Workshops and public hearings held by the Board of Commissioners.
 - 9. The Board meets to consider and take appropriate action on the amendments.

10. Any resulting amendments are transmitted to the State Department of Commerce and other state agencies, and public notice of adoption is published.
- B. Exceptions to the annual amendment process. In some cases amendments can be made to the Comprehensive Plan outside of the annual amendment process described herein:
1. When an emergency exists, the annual amendment process will not be followed. The process for the planning review is established in RCW 36.70A.390. The review process for SEPA (WAC 197-11-880) has already been adopted by the county in Ordinance 99-84, section 9.1.
 2. When the amendments are intended to resolve an appeal to the Growth Management Hearings Board, then the amendment is not limited to one time a year and will need to be abbreviated because the time allowed in Hearings Board cases is very limited. The process will be adjusted as necessary within the constraints of the Growth Management Act and SEPA.
 3. The initial adoption of a sub-area plan is not required to be part of the annual amendment process and is not limited to once per year. The process will be the same as required for the annual plan amendment, except that the first step will be as follows:

Establish a sub-area committee or a series of sub-area workshops. Public notice will be published of the workshops or meetings of the committee in order to encourage public participation and comment.
 4. The adoption of a shoreline master program amendment shall not follow the annual amendment process, but shall be done under the procedures of Chapter 90.58 RCW.
 5. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county budget.
 6. Amendments can be made more than once a year if they are restricted to changes in the development regulations consistent with the existing comprehensive plan. The process for amendment is the same as specified for the annual amendment process.

15.09.070 HEARING EXAMINER DECISIONS

The Hearing Examiner shall make his or her decision following an open record public hearing and shall include one of the following actions:

- A. Approve.
- B. Approve with conditions.
- C. Deny (reapplication or resubmittal is permitted).
- D. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
- E. Remand for further proceedings and/or evidentiary hearing in accordance with Section 15.09.090.

15.09.080 PROCEDURES FOR OPEN RECORD PUBLIC HEARINGS BEFORE THE HEARING EXAMINER

Public hearings shall be conducted in accordance with the Hearing Examiner's rules of procedure and shall serve to create or supplement an evidentiary record upon which the decision will be based. The Hearing Examiner shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. The Hearing Examiner may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. The Hearing Examiner may ask questions

of the applicant.

- C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the Hearing Examiner at his or her discretion.
- D. Rebuttal, response or clarifying statements by the staff and the applicant.
- E. The evidentiary portion of the public hearing shall be closed.
- F. The Hearing Examiner shall present a written statement of findings and conclusions upon issuing its decision, which shall be rendered within ten (10) working days of the hearing.
- H. The Hearing Examiner shall have the authority to hear motions for reconsideration of his or her decision.

15.09.090 REMAND

In the event the Hearing Examiner determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the Hearing Examiner may remand the matter back to the hearing body or administrative department to correct the deficiencies. The Hearing Examiner shall specify the items or issues to be considered, the time frame for completing the additional work, and the date of the continuation of the open record public hearing.

15.09.100 FINAL DECISION

- A. **Time.** The final decision on a development proposal shall be made within one hundred twenty (120) days from the date of the letter of completeness. The days pending the effectiveness of an administrative approval per section 15.09.040, MCC, are also within the one hundred twenty (120) days. Exceptions to the one hundred twenty day requirement include:
 - 1. If the project permit requires an amendment to the Comprehensive Plan or a development regulation.
 - 2. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen (14) days of receiving the requested additional information, the Review Authority shall determine whether the information is adequate to resume the project review.
 - 3. Substantial project revisions made or requested by an applicant, in which case the one hundred twenty (120) days will be calculated from the time that the County determines the revised application to be complete.
 - 4. All time required for the administrative appeal of a Determination of Significance or an appeal of an administrative decision.
 - 5. All time required for the preparation and review of an environmental impact statement, as agreed upon by the County and the applicant.
 - 6. Projects involving the siting of an essential public facility.
 - 7. An extension of time mutually agreed upon by the County and the applicant.
 - 8. All time required to obtain a variance.
 - 9. Any remand to the hearing body.
- B. **Effective Date.** Except for shoreline permits, the final decision of the Hearing Examiner shall be effective on the date stated in the decision, provided that the date from which appeal periods shall be calculated shall be the date the Hearing Examiner issues the decision. See MCC 17.50.400(C)(2)(g) for determining the effective dates of shoreline permits.

C. Time Limit for Action.

1. Start of Construction.

Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two (2) years of the effective date of the permit.

However, a single extension may be authorized for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed with the County before the expiration date and notice of the proposed extension is given to parties of record (if applicable).

2. Completion.

No permit or exemption authorizing construction shall extend for a term of more than five (5) years from the effective date of the permit. However, a single extension may be granted for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed with the County before the expiration date and notice of the proposed extension is given to parties of record (if applicable).

3. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with applicable regulations, different time limits from those set forth above may be allowed, if the time limit is established prior to granting of the permit by the Hearing Examiner or by the Review Authority, in the case of Type I or II permits.

CHAPTER 15.11 APPEALS

15.11.010 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS

A. Administrative interpretations and administrative decisions may be appealed, by applicants or parties of record, to the following hearing body, based upon the relevant code or ordinance as follows:

Hearing Examiner: Title 6 (Sanitary Code) and other regulations listed in part 1 of section 15.03.005, Title 8 (Environmental Policy and Resource Ordinance), Title 11 (Forest Practices), Title 12 (Bridges and Roads), Title 13 (Utilities), Title 14 (Buildings and Construction, Grading, Stormwater, Flood Prevention), Title 16 (Subdivisions), and Title 17 (Zoning/Development Regulations, Shoreline Master Program, Historic Preservation, Airport Overlay), provided that appeals of the Building Official's notice and order shall be in accordance with section 401 of the current adopted version of the Uniform Code for the Abatement of Dangerous Buildings (hereafter section 401) and, shall be to the Hearing Examiner as specified in this chapter.

B. The appeal shall be considered and decided within ninety (90) days of receipt of a date stamped application, provided that the parties to an appeal may agree to extend these time periods, and provided that a shorter time period is not specified in the applicable code or regulation.

15.11.020 APPEAL TO THE HEARING EXAMINER

A. Filing. Every appeal to the Hearing Examiner or County Commissioners shall be filed with the Clerk of the Board and with the Permit Assistance Center in the Community Services Department within fourteen (14) days after the date of the decision being appealed. The date of the decision and the date from which appeal periods shall be calculated shall be the date on which the written action was either mailed or transmitted by hand, whichever is done and whichever is earliest, to all parties for which transmittal is required for the action. This appeal period shall replace all other previously adopted

appeal periods specified in the applicable ordinances.

- B. **Contents.** The application of appeal shall contain a concise statement identifying:
1. The decision being appealed.
 2. The name and address of the appellant and his/her interest(s) in the matter.
 3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.
 4. The desired outcome or changes to the decision.
 5. The appeals fee as provided for in the applicable ordinance.
- C. **Procedure.** An appeal before the Hearing Examiner shall be by procedures established by the Hearing Examiner consistent with RCW 36.70B.

15.11.030 APPEAL TO STATE REVIEW BOARDS

The appeal of the final decision of the Hearing Examiner may be filed to the appropriate state review board and is subject to the appeal processes of the review board (notification, review, hearing, and decision). The State Environmental Hearings Office processes appeals of shoreline permits, conditional uses, and variances.

15.11.040 JUDICIAL APPEAL

- A. Appeals from the final decision of the Hearing Examiner involving those codes and ordinances to which this title applies, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Mason County Superior Court within twenty-one (21) days of the date the decision or action became final, unless preempted by state law.
- B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the Clerk of the Board of County Commissioners and Prosecuting Attorney within the applicable time period. This requirement is jurisdictional.
- C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant.

CHAPTER 15.13 ENFORCEMENT

15.13.005 SEVERABILITY

This title shall be governed by the laws of the State of Washington. In the event that any portion or section of this title be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the title shall not be affected and shall remain in full force and effect.

15.13.010 ENFORCING OFFICIAL; AUTHORITY

- A. The Review Authority shall be responsible for enforcing those codes and ordinances to which this title applies, and may adopt administrative rules to meet that responsibility. The Review Authority may delegate enforcement responsibility, as appropriate. An employee of one Review Authority department may commence an enforcement action of violations of codes and regulations of other departments.

- B. Inspections: The purpose of these inspection procedures are to ensure that a property owner's rights are not violated. When it is necessary to make an inspection to enforce the provisions of this Chapter, or when the Director has reasonable cause to believe that a violation has been or is being committed, the Director or his duly authorized inspector may enter the premises, or building at reasonable times to inspect or to perform any duties imposed by this Chapter, provided that if such premises or building be occupied that credentials be presented to the occupant and entry requested. If such premises or building be unoccupied, the Director shall first make reasonable effort to locate the owner or other person having charge or control of the premises or building and request entry. If entry is refused, the Director shall have recourse to remedies provided by law to secure entry.

15.13.020 PENALTY

- A. Non-conforming structures and other non-conforming land modifications shall be a continuing violation. Every day of violation shall be a separate violation. It shall be a violation to own, use, control, maintain, or possess a portion of any premises which has been constructed, equipped, maintained, controlled, or used in violation of any of the applicable provisions, MCC Section 15.03.005, in this Title. Structures or activities which were made or conducted without a permit, when a permit was required at the time of first action, do not vest and require current permits. Any person, firm, or corporation who violates or who solicits, aids, or attempts a violation are accountable under this Chapter and are subject to the penalty provisions..
- B. Compliance with the requirements of those codes and regulations listed under MCC Section 15.03.005 shall be mandatory, and violations of those codes are within the purview of this Chapter.
- C. Any private party who intentionally, recklessly, or negligently violates any of the applicable codes, regulations and ordinances is guilty of a misdemeanor. This includes, but is not limited to, a violation of notice and order, a violation of notice of civil violation, a violation of a warning notice, a violation of a stop work order, violation of a do not occupy order, or failure to comply with orders of the hearings examiner. Any person convicted of a misdemeanor under this section shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed ninety days, or by both, unless otherwise required by state laws. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any of the applicable provisions is committed, continued, permitted, or aided by any such person.
- D. Notwithstanding the provisions of any other code, the Review Authority is authorized to issue civil infractions for violations of any provision of any code or regulation listed under Section 15.03.005. The enforcement officer may issue a civil infraction ticket of up to two hundred fifty dollars (\$250) for the first violation and up to five hundred dollars (\$500) for the second and subsequent violations. Second and subsequent violations refer to any violation of any provision of Section 15.03.005 within two years of the first violation. A violator is : (1) one who owns the property and knows the violation is occurring, and fails to take action to abate it; (2) one who causes the violation to occur or solicits, commissions, requests, or aids the violation; (3) one who has a virtual exclusive right to possess the land, as in a tenant, equitable title owner, or trust beneficiary, and who aids, abets, commissions, solicits, requests, or knowingly allows a violation to occur on the land; or (4) to the maximum extent allowed under Washington law, any company whose employee or employees violates any provision of Title 15. Proof in District Court shall be by a preponderance of the evidence. To the extent that there is no conflict with this regulation, all such civil infractions under this regulation shall be governed by the standards and procedures set forth in Revised Code of Washington 7.80 (Civil Infractions). Each day of the violation shall be considered a separate offense.

15.13.030 APPLICATION

- A. This Chapter does not apply to enforcing the Shoreline Management Plan regulations. Except when the

Review Authority has determined that MCC 17.50.500 and part II of WAC 173-27 do not address a certain aspect of an enforcement procedure.

- B. Actions under this chapter may be taken in any order deemed necessary or desirable by the Review Authority to achieve the purpose of this chapter or of the Development Code.
- C. Proof of a violation of a development permit shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter against the owner and/or applicant shall not relieve or prevent enforcement under this chapter or other ordinance against any other responsible person, which, to the extent allowed by state law, includes an officer or agent of a business or nonprofit organization who, while violating the applicable provisions, is acting on behalf of, or in representation of, the organization.
- D. Where property has been subjected to an activity in violation of this Chapter, the County may bring an action against the owner of such land or the operator who performed the violation. In addition, in the event of intentional or knowing violation of this Chapter, the review authority may deny authorization of any permit or development approval on said property for a period up to ten (10) years from the date of unauthorized clearing or grading. While a case is pending, the County shall not authorize or grant any permit or approval of development on the property.
- E. Nothing in this chapter shall be construed to prevent the application of other procedures, penalties or remedies as provided in the applicable code or ordinance.

15.13.035 WARNING NOTICE

Prior to other enforcement action, and at the option of the Review Authority, a warning notice may be issued. This notification is to inform parties of practices which constitute or will constitute a violation of the development code or other development regulation as incorporated by reference and may specify corrective action. This warning notice may be sent by certified/registered mail, posted on site or delivered by other means. The parties shall respond to the county within twenty (20) days of the postmark, posting on site, or delivery of the notice.

15.13.040 NOTICE OF CIVIL VIOLATION

- A. Authority. A notice of civil violation may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the applicable codes under Section 15.03.005. A landowner, tenant, or contractor may each be held separately and joint and severally responsible for violations of the applicable codes and regulations.
- B. Notice. A notice of civil violation shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any person at the location and/or mailed first class to the owner or other person having responsibility for the location and not returned.
- C. Content. A notice of civil violation shall set forth:
 - 1. The name and address of the person to whom it is directed.
 - 2. The location and specific description of the violation.
 - 3. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.
 - 4. An order that the violation immediately cease, or that the potential violation be avoided.
 - 5. An order that the person stop work until correction and/or remediation of the violation as specified in the order.
 - 6. A specific description of the actions required to correct, remedy, or avoid the violation, including

a time limit to complete such actions.

7. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.
- 8). A notice of opportunity to appeal the administrative decision to the hearings examiner consistent with Section 15.11.020.

D. Remedial Action. The Review Authority may require any action reasonably calculated to correct or abate the violation, including but not limited to replacement, repair, supplementation, revegetation, or restoration.

15.13.050 CIVIL FINES

- A. Authority. A person who violates any provision of the Development Code, or who fails to obtain any necessary permit, who fails to comply with the conditions of a permit, or who fails to comply with a notice of civil violation shall be subject to a civil fine.
- B. Amount. The civil fine assessed shall not exceed one thousand dollars (\$1,000.00) for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.
- C. Notice. A civil fine shall be imposed by an order of the review authority, and shall be effective when served or posted as set forth in 15.13.040(B).
- D. Collection.
 1. Civil fines shall be immediately due and payable upon issuance and receipt of order of the review authority. The Review Authority may issue a stop work order until such fine is paid.
 2. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision.
 3. If a fine remains unpaid thirty (30) days after it becomes due and payable, the Review Authority may take actions necessary to recover the fine. Civil fines shall be paid into the County's abatement fund unless otherwise provided by ordinance. The Review Authority, in its discretion, may determine that assessments in amounts of five hundred dollars (\$500) or more shall be payable in not to exceed three equal annual installments. The payments shall bear interest equal to that charged on delinquent taxes under RCW 84.56.020. Such an account in good standing shall not be considered as delinquent unpaid fines as provided in subsection (d)(4) of this section.
 4. Unpaid fines shall be assessed against the property and be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property, provided that fines in excess of the assessed value shall be a personal obligation of the property owner, and fines assessed against persons who are not the property owner shall be personal obligations of those persons.
- E. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
- F. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes.

- G. If the County Assessor and the County Treasurer assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the County Treasurer. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year. H. The amount of the assessment lien shall be billed annually by the Treasurer's Office on the date of the assessment lien until paid and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment. Notwithstanding the previous provisions, the foreclosure process and sale process may be commenced within a year of the creation of a lien when the Review Authority or the Hearing Examiner make a written request to the Treasurer's Office to commence the process.

15.13.055 COST RECOVERY

- A. Authority. Notwithstanding any other code provision, a person who violates any provision of any code or regulation under MCC Section 15.03.005, or who fails to obtain any necessary permit, or who fails to comply with a notice of civil violation shall be subject to enforcement, Hearings Examiner, and abatement costs.
- B. Amount. The Review Authority shall keep an itemized account of the time spent by employees of the county in the enforcement or abatement of any code or any regulation under Section 15.03.005.
- C. Notice. Upon completion of the work for which cost recovery is proposed, the Review Authority shall provide notice by certified mail return receipt requested to the property owner or other person on whose behalf the costs were incurred.
- D. Collection. Costs may be collected as provided in MCC Section 15.13.050 (D) through (H) inclusive.
- E. Civil fines and funds collected shall be deposited in the abatement fund of the county. If the Director decides to close the fund, the remaining fund balance shall revert back to the general fund.

15.13.060 ABATEMENT

- A. The Review Authority may abate the violation if corrective work is not commenced or completed within the time specified in a notice of civil violation.
- B. If any required work is not commenced or completed within the time specified, the Review Authority may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and any other property owned by the person in violation and as a personal obligation of any person in violation.

15.13.070 REVIEW OF APPROVED PERMITS

- A. Review: Any approval or permit issued under the authority of the Development Code may be reviewed for compliance with the requirements of the Development Code, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.
- B. Review Authority Investigation: Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the Review Authority shall investigate the matter and take one or more of the following actions:
1. Notify the property owner or permit holder of the investigation; and/or
 2. Issue a notice of civil violation and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
 3. Refer the matter to the County Prosecutor; and/or

4. Revoke or modify the permit or approval, if so authorized in the applicable code or ordinance; and/or
5. Refer the matter to the Hearing Examiner with a recommendation for action.

15.13.075 REVOCATION OR MODIFICATION OF PERMITS AND APPROVALS

[[HANDLED BY APPROPRIATE DEPARTMENTS]]

- A. Upon receiving a Review Authority's recommendation for revocation or modification of a permit or approval, the Hearing Examiner shall review the matter at a public hearing, subject to the notice of public hearing requirements (Section 15.07.030). Upon a finding that the activity does not comply with the conditions of approval or the provisions of the Development Code, or creates a nuisance or hazard, the Hearing Examiner may delete, modify or impose such conditions on the permit or approval it deems sufficient to remedy the deficiencies. If the Hearing Examiner finds no reasonable conditions which would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.
- B. Building Permits. The Building Official, not the Hearing Examiner has the authority to revoke or modify building permits.
- C. If a permit is not acted on within three (3) years of authorization, the permit is automatically revoked.
- D. Reapplication. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the Development Code.

CONSOLIDATED APPLICATION REVIEW CHART

PRIMARY DEPARTMENT	DECISION TYPE			
	TYPE I Ministerial	TYPE II Administrative	TYPE III Quasi-judicial	TYPE IV Legislative
DCD - Building Fire Marshal Environmental Health	<ul style="list-style-type: none"> • Building Permit • Septic System Permit • Water Adequacy • Well Construction • Land Modification Permit 	<ul style="list-style-type: none"> • Mason Environmental Permit for Septic System 	<ul style="list-style-type: none"> • Appeal of Type I/II Decisions 	
DCD - Planning	<ul style="list-style-type: none"> • Declaration of Parcel Combination • Land Modification Permit 	<ul style="list-style-type: none"> • SEPA DNS/MDNS • Short Plat and Large Lot Subdivision • Boundary Line Adjustment • Development Regulations Administrative Variance • Resource Ordinance - Mason Environmental Permit and Variance • Shoreline Master Prgm - Admin. Substantial Development Permit 	<ul style="list-style-type: none"> • SEPA EIS • Appeal of Type I/II Decisions • Preliminary Plat, Final Plat, and Large Lot Subdivision • Development Regulations - Special Use and Variance • Mobile Home/RV Park Permit • Removal of Platted Utility and Drainage Easement • Resource Ordinance - Variance, Mason Conditional Environmental Permit, and Reasonable Use Exception • Flood Ordinance Variance • Shoreline Master Program - Substantial Development, Conditional Use, and Variance 	<ul style="list-style-type: none"> • Rezones • Amendments to the Comprehensive Plan • Development Regulations, Shoreline Master Program